

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: LYLTON A. COLLINS, II,

Debtor.

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Filed in U.S. Bankruptcy Court  
Northern District of Georgia  
Vania S. Allen, Clerk

JUL 24 2024

By: A. M. S.  
Deputy Clerk

HSBC BANK USA, NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
FREMONT HOME LOAN TRUST 2006A  
MORTGAGE-BACKED CERTIFICATES,  
SERIES 2006-A.

DOCKET NO. 24-55830-PMB

CONTESTED MATTER

Movant  
vs.

DECLARATION OF LYLTON A. COLLINS  
IN SUPPORT OF DEBTORS' MOTION

LYLTON A. COLLINS, II, Debtor,  
MICHAEL J. BARGAR, Trustee.

**EXHIBITS ATTACHED**

**Respondent(s).**

**DEBTOR'S MOTION FOR EXTENSION, OR ENLARGEMENT OF TIME  
TO RESPOND TO MOVANT'S MOTION TO LIFT AUTOMATIC  
STAY AND TO RESET HEARING ON SAID MOTION**

COMES NOW, LYLTON A. COLLINS, II, the Debtor, and Movant under Rule 9006(b)(1)(3), move the Court for an (30) day extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay as follows:

## I. GROUNDS FOR GRANTING MOTION

1. First, the Debtor move the Court for an extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay for the reason that the Debtor was never properly or timely served with a copy of Creditor's motion by the USPS until July 16<sup>th</sup>, 2024 due to USPS' mail delivery delays. See, **Exhibits**.

2. The USPS' mail delivery in Debtor's delivery area has been delayed for months due weather, and processing problems. See, **Exhibits** attached hereto.

3. Secondly, the Debtor also show good caused for extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay, because he was never served by counsel through the Court's ECF e-service, or through Debtor's email.

4. Third, the Debtor move the Court for an extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay because Debtor is in need of legal Counsel, and that State Bar of Georgia has a referral program to assist Debtor in obtaining counsel who will represent the Debtor in this matter.

5. Therefore, good caused exist for the extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay under the Rule.

6. Finally, the Debtor move the Court for an extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay because is proceeding in this matter pro se, and any delay in responding to Creditor / Movant's motion to lift automatic stay was beyond the reasonable control of the Debtor. See, *In re Dix*, 95 B. R. 134, 138 (9th Cir. 1988); *In re Magouirk*, 693 F. 2d 948, 951 (9th Cir. 1982).

## II. CONCLUSION

1. Federal Rules of Civil Procedure, Rule 6 is also used like Bankruptcy's Rule **90006**. **Rule 9006(b)(1)(3)** is clearly patterned after **Rule 6(b)** of Federal Rules.

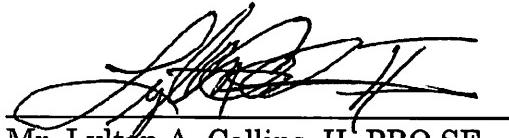
2. Under **Federal Rule 6(b)**, where the specified period for the performance of an act has elapsed, a district court may enlarge the period and permit the tardy act where the omission is the result of excusable neglect. See, **Exhibits** attached.

3. As with **Rule 9006(b)(1)(3)**, there is no indication that anything other than the commonly accepted meaning of the phrase was intended by the drafters of the Bankruptcy Rules. As stated under Rule 6 of the Federal Rules; to justify relief under subsection (6), a party must show “*extraordinary circumstances*” suggesting that the party is faultless in the delay. See, *Ackermann v. United States*, 340 U. S. 193, 197-200 (1950); *Klapprott v. United States*, 335 U. S. 601, 613-614 (1949).

4. Therefore, Debtor concludes that mail delays by the USPS, and the fact that Creditor never e-served, or emailed a copy of said motion to the Debtor in a timely manner are not within the control of the Debtor, and this motion meet the definition of extraordinary circumstances stated in *Klapprott v. United States*, supra-Id.

**WHEREFORE**, the Debtor / Movant hereby demand that the Court grant his motion pursuant to **Rule 9006(b)(1)(3)** for an (30) day extension, or enlargement of time to respond to Creditor's motion to lift automatic stay, and to reset Creditor's motion for a hearing for a later time. See, Exhibits “A” through “C” attached.

Respectfully submitted this 24<sup>TH</sup>, day of July 2024.



Mr. Lylton A. Collins, II, PRO SE  
Attorney for the Debtor / Movant

Please send all notices to:

Mr. Lylton A. Collins  
5211 Hugh Howell Rd.  
Stone Mountain, Georgia 30087  
Phone: (504) 344-5885  
Email: logicaldev72@gmail.com

**CERTIFICATE OF SERVICE**

COMES NOW, LYLTON A. COLLINS, II, Debtor / Movant, and certify that he has served the Creditor / Movant, and the Bankruptcy's Trustee as counsels of record, with a copy of DEBTOR'S MOTION FOR EXTENSION, OR ENLARGEMENT OF TIME TO RESPOND TO MOVANT'S MOTION TO LIFT AUTOMATIC STAY as is filed with the Court via U.S. First Class Mail as follows:

Mr. Evan Durkovic, Esq.  
Aldridge Pite, LLP  
Six Piedmont Center  
3525 Piedmont Road, N.E., Suite 700  
Atlanta, Georgia 30305

Mr. Adriano O. Iqbal, Esq.  
United States Department of Justice  
Office of the United States Trustee  
362 Richard B. Russell Building  
75 Ted Turner Drive, S.W.  
Atlanta, Georgia 30303

Respectfully submitted this 24<sup>TH</sup>, day of July 2024.



Mr. Lylton A. Collins, II, PRO SE  
Attorney for the Debtor / Movant

Please send all notices to:

Mr. Lylton A. Collins  
5211 Hugh Howell Rd.  
Stone Mountain, Georgia 30087  
Phone: (504) 344-5885  
Email: logicaldev72@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

**IN RE: LYLTON A. COLLINS, II,**

## Debtor.

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**HSBC BANK USA, NATIONAL  
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SERIES 2006-A,**

DOCKET NO. 24-55830-PMB

§ DECLARATION OF LYTON A. COLLINS  
IN SUPPORT OF DEBTORS' MOTION

LYLTON A. COLLINS, II, Debtor,  
MICHAEL J. BARGAR, Trustee,

**EXHIBITS ATTACHED**

**Respondent(s).**

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**DECLARATION OF LYLTON A. COLLINS, II, DEBTOR**

COMES NOW, LYLTON A. COLLINS, II pursuant to 28 U.S.C. § 1746

states under the penalty of perjury the following:

1. My name is LYLTON A. COLLINS, II. I suffer from no mental disability.

Therefore, I am competent to give this declaration.

2. The Debtor / Movant has never been personally served with a copy of

Creditor / Movant's motion to lift the automatic stay.

3. Based upon my personal knowledge, I received a copy of Creditor's motion by the USPS on or about July 16<sup>th</sup>, 2024. My USPS' mail delivery has been delayed for many months by USPS due weather, and other processing problems.

4. Moreover, I believe that good cause exists for an extension, or enlargement of time in this matter, because I was never personally served with the Creditor's motion to lift automatic stay through the Court's e-filing system ECF or by email.

5. I am asking the Court for an extension, or enlargement of time in order to properly respond to Creditor's motion, because I am in need of legal Counsel, and that State Bar of Georgia has a referral program to assist me in obtaining counsel.

6. I believe also that good cause exists for the extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay under the Rule 90006.

7. Finally, I move the Court for an extension, or enlargement of time to respond to Creditor / Movant's motion to lift automatic stay because I am proceeding pro se, and any delay in responding to Creditor / Movant's motion to lift automatic stay was beyond the reasonable control of the Debtor. See, *In re Dix*, 95 B. R. 134, 138 (9th Cir. 1988); *In re Magouirk*, 693 F. 2d 948, 951 (9th Cir. 1982).

8. I affirm and declare under the penalty of perjury pursuant to 28 U.S.C. § 1746, that all statements made in this declaration are true and correct and is based upon my personal knowledge and information.

This 24<sup>TH</sup>, July, 2024.

Respectfully Submitted,



Lylton A. Collins, II, Declarant,  
Movant / Debtor

5211 Hugh Howell Rd.  
Stone Mountain, Georgia 30087  
Phone: (504) 344-5885  
Email: logicaldev72@gmail.com

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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In Re: Collins, Docket No. 24-55830-PMB, (N.D. Ga BR 2024)

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# **EXHIBIT “A”**

Attached hereto

JON OSSOFF  
GEORGIA

303 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-3521

United States Senate  
WASHINGTON, DC 20510-1011

March 14, 2024

The Honorable Louis DeJoy  
Postmaster General  
United States Postal Service  
475 L'Enfant Plaza SW  
Washington, D.C. 20260

Dear Postmaster General DeJoy,

I write to express concern regarding numerous reports of missing and delayed mail in the metro Atlanta area, reportedly connected to the Atlanta Regional Processing and Distribution Center in Palmetto.<sup>1</sup> Postal customers in Georgia are increasingly reporting untraceable or stalled packages to local news outlets, in some cases for up to weeks.<sup>2</sup>

I call your attention to the delayed and missing packages that Georgians are currently reporting, and I urge you to address any underlying issues in a swift manner.

Accordingly, I request answers to the following questions:

1. What update can you provide regarding the aforementioned reported issues at the Atlanta Regional Processing and Distribution Center in Palmetto, including what may be the source of delays, and what actions are being taken to remedy any determined issues?
2. How is USPS currently communicating with customers in the metro Atlanta area reporting delayed and lost packages?

The timely delivery of mail across the nation is a vital public service. I urge you to expeditiously investigate the reported delays across the metro Atlanta area and to take any necessary and appropriate actions to ameliorate any issues. I look forward to a timely response.

Sincerely,



Jon Ossoff  
United States Senator

<sup>1</sup> <https://www.axios.com/local/atlanta/2024/03/13/usps-atlanta-missing-mail>

<sup>2</sup> <https://www.11alive.com/article/news/local/usps-customers-metro-atlanta-frustrated-their-mail-still-being-held-distribution-facility/85-80ec44b5-77e2-4c4c-a539-208e0e915352>

SELECT COMMITTEE ON INTELLIGENCE

COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS

COMMITTEE ON RULES AND ADMINISTRATION

COMMITTEE ON THE JUDICIARY

CHAIR, SUBCOMMITTEE ON HUMAN  
RIGHTS AND THE LAW

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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In Re: Collins, Docket No. 24-55830-PMB, (N.D. Ga BR 2024)

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# **EXHIBIT “B”**

Attached hereto

JON OSSOFF  
GEORGIA

303 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
(202) 224-3521

United States Senate  
WASHINGTON, DC 20510-1011

June 11, 2024

The Honorable Louis DeJoy  
Postmaster General  
United States Postal Service  
475 L'Enfant Plaza SW  
Washington, D.C. 20260

Dear Postmaster General DeJoy,

It has been nearly 60 days since we spoke at the April 16<sup>th</sup> U.S. Senate Homeland Security and Governmental Affairs Committee hearing concerning service failures across Georgia. At the hearing, you testified that “I think we’ll get to where we need to be in about 60 days.”

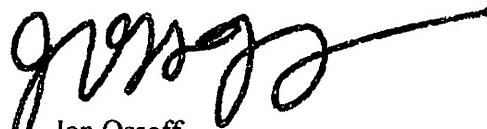
On May 9<sup>th</sup>, I requested an update on current on-time delivery statistics for the metro Atlanta area and the State of Georgia as seniors continue facing delays getting life-saving prescriptions, small business owners cannot ship or receive supplies and products, and voters cannot get ballots on time. In your reply, you shared data showing that first-class mail was being delivered on-time 64 percent of the time, still well short of last year’s levels of over 90 percent.

As we quickly approach the 60-day deadline that you set for normal on-time mail delivery to be restored, I again request the latest on-time delivery statistics for Georgia and ask whether or not you will meet your self-imposed deadline to restore normal service. Please provide me an update on the current on-time delivery statistics in Georgia by Monday, June 17<sup>th</sup>.

I want to reiterate that it is urgent that the performance of USPS delivery in Georgia improve immediately. Georgians are tired of waiting. They deserve better.

And as I have repeatedly said, postal workers working diligently every day to deliver the mail on time deserve the infrastructure and management competence to enable them to do so. As the chief executive officer of USPS, it is incumbent on you to provide that leadership.

Sincerely,



Jon Ossoff  
United States Senator

SELECT COMMITTEE ON INTELLIGENCE

COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS

COMMITTEE ON RULES AND ADMINISTRATION

OSHOFF.SENATE.GOV

COMMITTEE ON THE JUDICIARY

CHAIR, SUBCOMMITTEE ON HUMAN  
RIGHTS AND THE LAW

Louis DeJoy  
POSTMASTER GENERAL, CEO



June 17, 2024

The Honorable Jon Ossoff  
United States Senate  
Washington, DC 20510

Dear Senator Ossoff:

I write in response to your June 11 letter requesting an additional post-April 16 HSGAC hearing update on the restoration of service performance in the Atlanta region. This update is in addition to the progress report you received in my May 17 letter, as well as the May 30 in-person briefing and tour conducted for you and your team at the Palmetto Regional Processing and Distribution Center.

#### May 30 Service Performance Update

At the May 30 briefing and facility tour you were provided a service performance trend chart that showed First Class Mail for the period of May 18 - 24 was at 64.5 percent on time, up nearly 30 percentage points from the mid-March low of 35.82%. At that time, we also provided the +1 score of 82.85% on time; and we explained that the Service Standard +1 day measurement is a helpful demonstration that mail is missing its service standard by a matter of hours, not days.

#### Current Service Performance

Since the time of your May 30 tour, service has continued to recover. Below are the scores for Georgia District by Origin, Destination, and Composite for last week (6/1/2024 – 6/7/2024).

Product	Origin		Destination		Composite	
	% On-Time	% On-Time Day +1	% On-Time	% On-Time Day +1	% On-Time	% On-Time Day +1
First-Class Mail	83.26 %	92.91%	74.94%	89.17%	80.00%	91.35%
USPS MKT Mail	85.60 %	93.44%	84.52%	92.44%	85.00%	92.87%
Ground Advantage	85.36 %	95.36%	85.49%	95.40%	85.43%	95.38%

#### To explain the terminology used in the chart:

Origin = performance of volume that is originating from Georgia District which can destinate to any part of the country, including within Georgia District.

Destination = performance of volume that is destinating to Georgia District which can originate from any part of the country, including within Georgia District.

Composite = combined performance of volume that is originating from or destinating to Georgia District.

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You expressed concern in your May 11 letter about delivery of prescriptions, as well as business supplies and products, which are considered packages, not mail. As of May 31, our composite score for USPS Ground Advantage (package product) is at 85.43% on time, with the +1 at 95.38%.

You cited concern for ballot mail. As you know, the Georgia Primary Election was held June 9<sup>th</sup> and occurred without incident or reported delays of ballot mail. In a May 14 letter to the Georgia congressional delegation, my staff had detailed all the intensified attention being exerted to restore service in the Atlanta region that certainly played a role in a successful Primary election. I attach the letter again for your reference.

Relatedly, as I mentioned in my May 17 letter, we uncovered an error in how we measure mail that has been collected and is being inducted into our sorting process – what we call our First Mile mail profile. We have determined that it is having a significant *negative* impact on service performance measurement, approximately 8 percent in adverse reporting for our most recent Single Piece First Class Mail performance. We have notified the Postal Regulatory Commission of this measurement issue and we are in the process of seeking their review of a correction to the measurement problem.

#### **Additional Requests Following the Tour**

I also have been made aware of your request for vendor contracts and a conversation with our executive who leads processing and distribution. Regarding the contract request, it is not our practice, as an organization that engages in a highly competitive business, to expose our vendor contracts to potentially damaging public comment. Regarding additional discussions on this matter, I remain your point of contact and as agency head shoulder the responsibility of our initiatives.

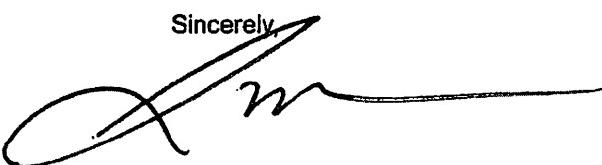
I would welcome an opportunity to meet or speak to you personally to supplement what you learned in the briefing or specific questions you have may have about our implementation of the investments and modernizing transformations underway in Atlanta.

I entirely agree with your closing comment that our 640,000 postal workers deserve the infrastructure to help them deliver mail six and seven days a week. However, as a result of over a decade long consequence of terrible Congressional legislation and the resulting regulation, our infrastructure and work environment in the Atlanta area has deteriorated to an embarrassing and unworkable condition. It is unfortunate you could not afford the time to visit these operations to gain a more detailed understanding of the worthwhile initiative my team and I are undertaking to solve for this.

I also agree that Postal employees, as well as all Americans, deserve competent leadership in all areas of our federal government. I am confident that my team and I are focused on creating a Postal Service that will successfully serve the American people for decades to come by confronting the extraordinary circumstances facing not only Atlanta, but all the nation, in a responsible and methodical manner.

Thank you for your interest in the Postal Service

Sincerely,



Louis DeJoy

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Attachments:

April 17 PMG DeJoy Response to Senator Ossoff  
April 22 Georgia Delegation Letter  
May 14 Georgia Delegation Letter on Intensified Efforts to Address Service  
May 30 Service Performance Chart from Briefing

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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In Re: Collins, Docket No. 24-55830-PMB, (N.D. Ga BR 2024)

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**EXHIBIT “C”**

Attached hereto



About

Newsroom

## Service alerts

Last update: July 22, 2024, 8:30 p.m. ET

USPS service alerts have information for consumers, small businesses and business mailers about postal facility service disruptions caused by weather-related and other natural disasters, special events, or other changes impacting service.

Visit [www.ready.gov](http://www.ready.gov) or [www.listo.gov](http://www.listo.gov) to prepare for hurricanes and severe weather.

### Flooding and Severe Weather Impacting Delivery

Weather events in Southern and Central U.S. are impacting the processing, transportation, and delivery of mail and packages. Due to Hurricane Beryl Houston Texas is especially impacted. Please allow additional time for final delivery of your item.

## Service disruptions

Residential customers and small businesses can find out if mail is being delivered, or if their Post Offices are open. Business mailers get more detailed information about USPS mail processing facilities, and the operating status of delivery units, as well as any impacts on mail delivery overseas.



Residential customers

- [Current delivery issues](#)
- [Change delivery address](#)
- [Put mail delivery on hold](#)



Business mailers

- [Current processing/delivery issues](#)
- [Not accepting drop shipments](#)
- [Mail Service Disruption Report](#)
- [Service alert mapping](#)



International

- [Delivery issues around the world](#)
- [International Posts Action Log](#)

## Contact us

### Residential customers

Residential customers should check this Mail Service Disruptions website first for current, frequently-updated information about whether mail is being delivered to your neighborhood or if your local Post Office is open. Or you can call our customer service center at 1-800-ASK-USPS (800-275-8777).

### Business mailers

Contact the Business Service Network *headquarters* communications manager for additional information or to report a disruption. Email us at [mailserviceupdate@usps.gov](mailto:mailserviceupdate@usps.gov).

Need more support? Have questions? Contact your *local* Business Service Network or visit [PostalPro](#).



### Informed Delivery®

See what mail is coming before it arrives. [Sign up now](#)



IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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In Re: Collins, Docket No. 24-55830-PMB, (N.D. Ga BR 2024)

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# **EXHIBIT “D”**

Attached hereto

[Watch Live](#)

## **Ossoff says mail delays 'devastating for Georgians' after touring Palmetto facility**

By Rob DiRienzo and FOX 5 Atlanta Digital Team | Updated May 30, 2024 8:18pm EDT | Atlanta | FOX 5 Atlanta

### **Ossoff tours USPS facility in Palmetto**

New insight on the enduring problems at the post office in north Georgia. Sen. Jon Ossoff toured the infamous Palmetto sorting facility to get a firsthand look at what's going on.

**ATLANTA** - Georgia Sen. Jon Ossoff toured the postal service's infamous Palmetto sorting facility on Tuesday afternoon to get a firsthand look at the problems there.

That facility has been the source of countless headaches across North Georgia leading to lost packages, medications, letters - and confidence in the USPS.

The regional facility opened in February and was supposed to make things easier but it's done the exact opposite.

"USPS is letting Georgians down," Sen. Ossoff said. "It is my role, it is my obligation, it is my duty to hold them accountable."

While cameras weren't allowed in, Sen. Ossoff says he came here to apply the pressure on the people in charge.

Ossoff got an inside look at the postal service's disastrous rollout of its regional processing facility in Palmetto. The post office did not let the press in with him. He says the problems here fall on the shoulders of the people calling the shots.

"It was not properly planned for," Senator Ossoff said. "It was not properly managed, there was no one in charge, and the results have been devastating for Georgians."

That poor management he says is on the shoulders of Postmaster General Louis DeJoy.

A few weeks ago, he slammed DeJoy's actions as "baffling and disturbing."

When FOX 5 asked Ossoff if DeJoy should get the boot, he said he doesn't have the power to do so.

"The Postmaster General can only be fired by the board of governors and the Postal Service," Sen. Ossoff said. "I have extraordinarily low confidence in the Postmaster General based on the incompetent management."

The post office claims things are slowly getting better. Since March, it says first class performance has improved 30 percent:

*"While we are not entirely satisfied with the current levels, this positive trend indicates the challenges we faced in March are being actively addressed."*

## RELATED STORIES

- **Mail delays: Deadline approaches for DeJoy to respond to Ossoff**
- **Ossoff: USPS mail delays 'a failure of the Postal Service'**
- **USPS delays impacting customers in metro Atlanta**

- **Georgia lawmakers call on USPS to address metro Atlanta mail delay**
- **USPS mail delays: Georgia senators seek answers to undelivered parcels**

"I'll believe it when I see it," Sen. Ossoff said. "I'm looking for results and sustained results."

**Ossoff tours USPS facility in Palmetto**

Sen. Jon Ossoff spoke to reporters after touring the USPS Atlanta Regional Processing Facility in Palmetto on Thursday afternoon.

With the presidential election right around the corner – he thinks absentee voter should take a posture of trust but verify.

"I would encourage folks to plan to vote by mail to do so as early as possible and to vigilantly monitor the progress of their ballots," Senator Ossoff said.

DeJoy has committed to getting things in order -- meaning back to pre-Palmetto performance rates – by the middle of June.

FOX 5 Atlanta has received dozens of phone calls and messages from residents who have had items lost in the mail or severely delayed, often resulting in bills not being paid or other financial difficulties.